

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF VA  
HARRISONBURG DIVISION

IN RE:  
TESA CHARNEL UNGER  
Debtor(s)

BCN#: 11-51593\RWK  
Chapter: 13

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PHH MORTGAGE CORPORATION  
or present noteholder,  
Movant/Secured Creditor,

v.  
TESA CHARNEL UNGER  
Debtor(s)

MOTION FOR ORDER GRANTING  
RELIEF FROM AUTOMATIC STAY

and  
BOB STEVENS  
Trustee  
Respondents

PHH MORTGAGE CORPORATION, and/or present noteholder, (Movant herein),  
alleges as follows:

1. The Bankruptcy Court has jurisdiction over this contested matter pursuant to 28 U.S.C. §157 and §1334; 11 U.S.C. §362; and Federal Rule of Bankruptcy Procedure 9014.

2. The above named Debtor(s) filed a Chapter 7 Petition in Bankruptcy with this Court on November 9, 2011.

3. BOB STEVENS, has been appointed by this Court as the Chapter 7 Trustee in this instant Bankruptcy proceeding.

4. Movant, PHH MORTGAGE CORPORATION, is the current holder of the note secured by the aforesaid Deed of Trust. The original note holder was PORFICIO MORTGAGE VENTURES, LLC. PHH MORTGAGE CORPORATION acquired the note pursuant to an allonge of the note. A copy of the Allonge, Deed of Trust, and Note are attached hereto and incorporated herein by reference.

5. Movant is the current payee of a promissory note secured by a deed of trust upon a parcel of real property with the address of 237 GLENRIDGE DR, Winchester, VA 22602 and more particularly described in the Deed of Trust dated September 24, 2010 and recorded as Deed Book/Instrument Number 100009343, among the land records of the said city/county, as:

Trenita Jackson-Stewart, VSB# 48412  
SHAPIRO & BURSON, LLP  
236 CLEARFIELD AVENUE, SUITE 215  
VIRGINIA BEACH, VA 23462  
(757) 687-8777 11-224561

ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATE IN RED BUD MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA, MORE PARTICULARLY DESCRIBED AND DESIGNATED AS LOT 95, GLENMONT VILLAGE, SECTION SIX OF RECORD IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF FREDERICK COUNTY, VIRGINIA, IN DEED BOOK 698, PAGE 369. AND FURTHER DESCRIBED BY PLAT AND SURVEY OF H. BRUCE EDENS, L.S., DATED SEPTEMBER 20, 1989, RECORDED IN THE AFORESAID CLERK'S OFFICE IN DEED BOOK 791, PAGE 1631.

6. Movant is informed and believes and, based upon such information and belief, alleges that title to the subject Property is currently vested in the name of the Debtor(s).

7. The Debtor(s) is/are in default with regard to payments which have become due under the terms of the aforementioned note and deed of trust. The Debtor is due for:

- o 1 post petition monthly payment in October 2011 of \$1,508.38 each which were to be paid directly to Movant;
- o 2 post petition monthly payments from November 2011 to December 2011 of \$1,500.25 each which were to be paid directly to Movant;
- o Accrued Late Charges of \$201.36
- o NSF Check Charges of \$35.00
- o BK Costs of \$176.00
- o BK Fees of \$500.00

8. The Movant has elected to initiate foreclosure proceedings on the Property with respect to the subject Trust Deed, but is prevented by the Automatic Stay from going forward with these proceedings.

9. This Movant is informed and believes and, based upon such information and belief, alleges that absent this Court's Order allowing this Movant to proceed with the pending foreclosure, Movant's security will be significantly jeopardized and/or destroyed.

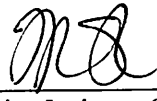
10. Movant is informed and believes and, based upon such information and belief, alleges that the debtor has no equity in the property.

11. Continuation of the automatic stay of 11 U.S.C. Section 362(a) will work real and irreparable harm and deprive the Movant of the adequate protection to which it is entitled under 11 U.S.C. Section 362 due to the aforementioned facts.

WHEREFORE, Movant prays for an order granting relief from Automatic Stay, that the 14 day waiting period imposed by F.R.B.P. 4001(a)(3) be waived in this instant bankruptcy proceeding only, and for such other relief as the court may deem meet and proper.

Dated: 12-8-11

SHAPIRO & BURSON, LLP  
Attorneys for Movant

By:   
Trenita Jackson-Stewart, VSB# 48412  
SHAPIRO & BURSON, LLP  
236 CLEARFIELD AVENUE, SUITE 215  
VIRGINIA BEACH, VA 23462  
(757) 687-8777

11-224561

CERTIFICATE OF SERVICE

I certify that I have electronically transmitted and/or mailed true copies of the above mentioned Motion For Relief From Stay by first class mail, postage pre-paid on the 8 day of Dec, 2011 to the following:

JAMES R LARRICK, JR.  
29 N. BRADDOCK ST.  
Winchester, VA 22601

BOB STEVENS  
2340-B COMMONWEALTH DRIVE  
Charlottesville, VA 22901

TESA C. UNGER  
115 EMILY LN  
Winchester, VA 22602



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TRENITA JACKSON STEWART

11-224561

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF VA  
HARRISONBURG DIVISION

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TESA CHARNEL UNGER  
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PHH MORTGAGE CORPORATION  
or present noteholder,  
Movant/Secured Creditor,

v.  
TESA CHARNEL UNGER  
Debtor(s)  
Respondents

MOVANT'S CERTIFICATION REQUIRED WITH RESPECT TO  
MOTION FOR RELIEF FROM STAY

1. Description of property:  
ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING  
SITUATE IN RED BUD MAGISTERIAL DISTRICT, FREDERICK COUNTY,  
VIRGINIA, MORE PARTICULARLY DESCRIBED AND DESIGNATED AS LOT 95,  
GLENMONT VILLAGE, SECTION SIX OF RECORD IN THE OFFICE OF THE  
CLERK OF THE CIRCUIT COURT OF FREDERICK COUNTY, VIRGINIA, IN DEED  
BOOK 698, PAGE 369. AND FURTHER DESCRIBED BY PLAT AND SURVEY OF  
H. BRUCE EDENS, L.S., DATED SEPTEMBER 20, 1989, RECORDED IN THE  
AFORESAID CLERK'S OFFICE IN DEED BOOK 791, PAGE 1631.
2. Copies of security instruments: Attached as Movant's Ex. No. 1
3. Statement of amount due:

a.	Unpaid principal:	\$234,549.64
b.	Accrued interest from a specific date to a specific date: September 1, 2011 to December 7, 2011	\$3,039.01
c.	Late charges from a specific date to a specific date: October 15, 2011 to November 15, 2011	\$201.36
d.	Attorney's fees:	\$500.00
e.	Advances for taxes, insurance, and the like:	\$0.00
f.	Unearned interest:	N/A
g.	Any other charges: Attorney Costs	\$ 176.00
	NSF Fees	\$ 35.00
4. A per diem interest factor: 31.33
5. Movant's valuation of property: \$180,000.00  
Basis for such valuation: TAX ASSESSMENT  
Appraisal or other documentation of such valuation, if attached, is identified as Movant's Exhibit No. 2.

I HEREBY CERTIFY, as a member of the Bar of this Court, that I represent the above-named movant(s) and that the information contained herein is true according to the best of my knowledge and belief.



TRENITA JACKSON STEWART, Esquire

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Respondents

NOTICE IS HEREBY GIVEN THAT:

A hearing upon the captioned motion will be held at **10:00 AM, on January 4, 2012**, at the following location:

U.S. BANKRUPTCY COURT  
HARRISONBURG DIVISION, 116 NORTH MAIN STREET  
223 FEDERAL COURTHOUSE  
HARRISONBURG, VA 22801

I hereby certify that a copy of this Notice was served upon the following parties and counsel on the 9 day of Dec, 2011;

JAMES R LARRICK, JR.  
29 N. BRADDOCK ST.  
Winchester, VA 22601

BOB STEVENS  
2340-B COMMONWEALTH DRIVE  
Charlottesville, VA 22901

TESA C. UNGER  
115 EMILY LN  
Winchester, VA 22602

DATE: 12/8/11

  
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TRENITA JACKSON STEWART